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And OAKLAND POLICE DEPARTMENT
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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
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12 MIGUEL ORTEGA, BENJAMIN ORTEGA, A
Minor, By and through his Guardian Ad
13 Litem, ANA ROSA ORTEGA,

14 Plaintiffs,

15 v.

16 CITY OF OAKLAND, OAKLAND POLICE
DEPARTMENT, WAYNE TUCKER, In His
17 Capacity as the Police Chief of the City of
Oakland, RAMON J. ALCANTAR,
18 Individually and in his capacity as a Police
Officer for the City of Oakland, DOES 1
19 THROUGH 200,

20 Defendants.
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Case No. C07-02659 JCS

[PROPOSED] ORDER

Date: August 10, 2007
Time: 9:30 a.m.
Courtroom A, 15th Floor

The Honorable Joseph C. Spero

23 Defendants CITY OF OAKLAND and OAKLAND POLICE DEPARTMENTS' duly
24 noticed Motion to Dismiss for Failure to State a Claim Pursuant to FRCP 12(b)(6) came on
25 for hearing at the above date and time. The matter having been submitted to this Court,
26 and Plaintiffs' Opposition to Defendants' Motion also having been submitted to this Court,

1 and the Court having considered the papers, including the Declarations and Exhibits filed
2 in support thereof, and the arguments of counsel for Plaintiffs and Defendants, and good
3 cause appearing:

4 **IT IS HEREBY ORDERED** that Defendants' 12(b)(6) motion is **GRANTED**.

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6 DATED:

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8 JUDGE OF THE UNITED STATES DISTRICT COURT
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